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By *Chadly S. Ballard* IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF ARKANSAS

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OFFICE OF THE CLERK

CHADLY S. BALLARD

PLAINTIFF

v.

No. 4:06CV01300 GH

*8 Dec 7/06*

UNION PACIFIC RAILROAD COMPANY,  
OLIVER BECENTI, JOHNNY ADISON,  
AND TED TOM, JR.

DEFENDANTS

**ORDER**

Pending before the Court is the October 30<sup>th</sup> motion to dismiss by Union Pacific due to improper venue. Plaintiff filed a combined response/motion for transfer of venue on November 9<sup>th</sup> admitting that venue is not proper in Arkansas, but asking that the case be transferred to the United States District Court in Omaha, Nebraska instead. The motion reflects that his counsel has conferred with defendant's counsel who has advised that they would not object to the case being transferred to Omaha, Nebraska.

Under these circumstances, plaintiff's unopposed November 9<sup>th</sup> motion (#7) for transfer of venue to the United States District Court in Omaha, Nebraska is granted thereby mooted Union Pacific's October 30<sup>th</sup> motion (#4) to dismiss. As there is no objection to this transfer, the Clerk is directed to take immediately transfer this case to the United States District Court in Omaha, Nebraska

IT IS SO ORDERED this 13<sup>th</sup> day of November, 2006.

*RECORDED*

NOV 17 2006

*George Houser, Jr.*  
UNITED STATES DISTRICT JUDGE